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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/689,775   | 10/20/2003  | Han-Ting Chang       | 2002-061R1<br>(189861/US/2) | 4543             |
| 46138  | 7590        | 03/12/2009           | EXAMINER                    |                  |
| Fulbright & Jaworski L. L. P.<br>Attn: MNIPDOCKET<br>600 Congress Avenue<br>Suite 2400<br>Austin, TX 78701 |             |                      | CHEUNG, WILLIAM K           |                  |
|  |             |                      | ART UNIT                    | PAPER NUMBER     |
|  |             |                      | 1796                        |                  |
|  |             |                      | MAIL DATE                   | DELIVERY MODE    |
|  |             |                      | 03/12/2009                  | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* HAN-TING CHANG, DOMINIQUE CHARMOT,  
DAMIAN HAJDUK, MANIKANDAN JAYARAMAN,  
FLORENCE ROGER, VICTOR NAVA-SALGADO  
and ADAM SAFIR

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Application 10/689,775  
Technology Center 1700

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Mailed: March 12, 2009

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Before KAREN SWEENEY, *Paralegal Specialist*.  
SWEENEY, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed August 15, 2007 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 1-9, 12-19, 22 are rejected under 35 U.S.C. 102(b); whereas Appellants have either not indicated the grounds of rejection of these claims or has improperly listed these claims as 1-9, 12-19, 22 and 23 under U.S.C. 102(b) Grounds of Rejection provided by Appellants. Correction of the Grounds of rejection to be reviewed on appeal for claim 23 is required.

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Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on August 15, 2007 defective;

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2) notify Appellants to file a paper properly addressing the Grounds of rejection of claim 23;

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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